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24 Attorneys for Defendants
25 **TENDERLOIN GROCERY**

26 UNITED STATES DISTRICT COURT
27 NORTHERN DISTRICT OF CALIFORNIA
28 OAKLAND DIVISION

29 **LORILLARD TOBACCO COMPANY, a**
30 **Delaware corporation,**

31 **Plaintiff,**

32 **v.**

33 **TENDERLOIN GROCERY, a business**
34 **entity; AHMED SAID, an individual; and**
35 **DOES 1 – 10 inclusive,**

36 **Defendants.**

37 **CASE NO. C05 3123 CW**

38 **STIPULATION AND ORDER RE: ADR**

1 Plaintiff Lorillard Tobacco Company (“Lorillard”) and Defendants Tenderloin Grocery
2 and Ahmed Said, hereby agree as follows:

3 WHEREAS, in the December 8, 2006, Case Management Order the Court referred the
4 parties to Early Neutral Evaluation as an ADR process;

5 WHEREAS, counsel for defendants in this action also represents defendants in the
6 *Lorillard v. Gladstone Market, et. al.*, C-05-3122 RMW and *Lorillard v. Barah Deli et. al.*, C-05-
7 3125 JF. Counsel for Lorillard is also the same in all three cases. The *Gladstone Market* and
8 *Barah Deli* cases involve the same claims as the present case;

9 WHEREAS, the parties in the *Gladstone Market* and *Barah Deli* cases are scheduled to
10 participate in a settlement conference before Magistrate Lloyd on March 29, 2006;

11 WHEREAS, all parties believe that attempting to settle the present case and the *Gladstone*
12 *Market* and *Barah Deli* cases at the same time will be more effective, will be a more efficient use
13 of the resources of the ADR program and will be more likely to lead to a settlement of all three
14 cases;

15 WHEREAS, Magistrate Judge Lloyd’s chambers has indicated that it is willing to conduct
16 a settlement conference in this case on the same day as the settlement conferences in the
17 *Gladstone Market* and *Barah Deli* cases;

18 WHEREAS, the parties respectfully request that the Court remove the present case from
19 the ENE program and order that the parties participate in a settlement conference before
20 Magistrate Judge Lloyd on the same day as the presently scheduled settlement conferences in the
21 *Gladstone Market* and *Barah Deli* matters.

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1 IT IS THEREFORE STIPULATED THAT:

- 2 1. The case is removed from the ENE program and the parties shall conduct a settlement
3 conference before Magistrate Judge Lloyd on the same day, currently March 29, 2006, as the
4 presently scheduled settlement conferences in the *Gladstone Market* and *Barah Deli* matters.

5 SO STIPULATED:

6 Dated: _____, 2006

DLA PIPER RUDNICK GRAY CARY US
7 LLP

8
9 By: _____
10 THOMAS A. BURG
11 Attorneys for Plaintiff
12 LORILLARD TOBACCO COMPANY

13 Dated: _____, 2006

MICHAEL J. BLUMENFELD A
14 PROFESSIONAL CORPORATION

15 By: _____
16 CHERYL MARTINSEN
17 Attorneys for Defendants
18 TENDERLOIN GROCERY and
19 AHMED SAID

20 IT IS SO ORDERED.

3/2/06

/s/ CLAUDIA WILKEN

21 Dated: _____

22 _____
23 Hon. Claudia Wilken
24
25
26
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